

HOUSE _____ AMENDMENT NO. _____

Offered By

AMEND House Committee Substitute for Senate Bill No. 84, Page 27, Section 210.762, Line 28,
by adding after all of said line the following:

"210.1050. 1. The educational needs of each child under the jurisdiction of the juvenile court or family court under subdivisions (1), (2), or (5) of subsection 1 of section 211.031, RSMo, shall be considered as part of the function of the child's family support team pursuant to policy of the department of social services. Such needs shall include, but not be limited to, the assumption that regular full school days of education are warranted. For the purposes of this section, "full school day" shall mean six hours in which the child is under the guidance and direction of teachers in the education process. The local school district shall be invited to have representation on the child's family support team. If the school district designates a representative, the representative shall be a full participant in the family support team.

2. Nothing in this section shall be construed to infringe upon the rights or due process provisions of the federal Individuals with Disabilities Education Act. Nothing in this section shall be construed to impede the ability of the family support team or the facility staff from making a referral for special education services, if appropriate, when a child is placed in a facility described in this section without an individualized education program or without a pending referral for such services. If a child is referred for such services, the provisions of the Individuals with Disabilities Education Act shall apply and control while the referral is pending and through the evaluation process, including provisions for educational decision-makers and educational surrogates.

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1 Nothing in this section shall be construed to deny any child domiciled in Missouri appropriate and
2 necessary free public education services.

3 3. When the department of social services by contract places a child for treatment in a
4 licensed residential care facility setting for children as defined in section 210.481, such facility
5 shall be responsible for the educational needs of the child if the child at the time of placement
6 does not have an individualized education program or a pending referral for special education
7 services under sections 162.670 to 162.999, RSMo.

8 (1) Such facilities operating an on-site school for which they hire their own education
9 staff shall:

10 (a) Provide, on site at such facility , a full school day of education for each child placed in
11 such facility by the department of social services unless the child's plan of treatment and care
12 supports his or her ability to attend public school; and

13 (b) Be reimbursed by the local school district for the cost of education services provided to
14 children placed in their care by the department of social services, as approved by the department
15 of elementary and secondary education, when the facility provides education services. The local
16 school district shall be compensated under section 167.126, RSMo, for such education services.

17
18 No child placed in the facilities for treatment described in this subdivision shall be considered by
19 the local school district as homebound for purposes of education unless the family support team
20 under subsection 1 of this section has approved homebound instruction. A full school day of
21 education shall be provided unless fewer hours of instruction per day are approved by the family
22 support team under subsection 1 of this section. Nothing in this subsection shall create an
23 obligation for a licensed residential care facility to have on-site classrooms, to operate an on-site
24 school, or to hire its own education staff.

25 (2) When such facilities have on-site classrooms but do not hire their own education staff,
26 the local school district:

27 (a) Shall provide, on site at such facility or at an alternative location agreed upon pursuant
28 to subsection 6 of this section, a full school day of education for each child placed in such facility
29 for care by the department of social services unless the child's plan of treatment and care supports

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1 his or her ability to attend public school;

2 (b) Shall be compensated under section 167.126, RSMo, for such education services as
3 approved by the department of elementary and secondary education; and

4 (c) May consider such education services as homebound instruction but shall provide each
5 homebound child with a full school day of education unless fewer hours of instruction per day are
6 approved by the family support team under subsection 1 of this section.

7
8 Nothing in this subdivision shall create an obligation for a licensed residential care facility to have
9 on-site classrooms, to operate an on-site school, or to hire its own education staff.

10 (3) When such facilities do not operate an on-site school or have on-site classrooms, the
11 local school district shall:

12 (a) Provide a full school day of education for each child placed in such facility for care by
13 the department of social services; and

14 (b) Be compensated for such education services under section 167.126, RSMo, as
15 approved by the department of elementary and secondary education.

16
17 If the child's behavior or plan of treatment and care does not support the child's being educated in
18 a regular education class, education services shall be provided in an alternative setting approved
19 by the family support team under subsection 1 of this section. A full school day of education shall
20 be provided unless fewer hours of instruction per day are approved by the family support team
21 under subsection 1 of this section. Nothing in this subdivision shall create an obligation for a
22 licensed residential care facility to have on-site classrooms, to operate an on-site school, or to hire
23 its own education staff.

24 4. Notwithstanding any other provision of law, a child placed for treatment by the
25 department of social services in a licensed residential care facility setting for children as defined
26 in section 210.481, RSMo, who does not have an individualized education program for special
27 education services or a pending referral for such services under sections 162.670 to 162.999,
28 RSMo, whose plan of treatment and care supports his or her ability to attend public school but
29 who is then suspended or otherwise demonstrates school failure based on behavior or academic

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1 performance shall then be provided a full school day of education according to subsection 3 of
2 this section.

3 5. Nothing in this section shall prevent a licensed residential care facility setting for
4 children as defined in section 210.481 from contracting with school districts for education
5 services. Nothing in this section shall prevent a school district from contracting with a licensed
6 residential care facility setting for children as defined in section 210.481 for education services.

7 6. (1) Any residential treatment facility public school district shall work with the district
8 and develop an educational plan that describes in general how and where educational services will
9 be provided to school-aged residents of the treatment facility under a variety of possible
10 circumstances. The educational plan shall be developed jointly by the appropriate staff of both the
11 treatment facility and the public school district, and the plan shall be signed annually by the
12 administration of both parties verifying their support for the plan.

13 (2) It is the intent that the educational plan follow the provisions of this section, but
14 treatment facilities and school districts may develop provisions for educational services not
15 included in this section if both parties agree on the provisions and if the provisions offer a full-day
16 educational program for the students involved.

17 (3) It is understood as a condition of the plan that both the treatment facility and school
18 district shall be fully reimbursed, as allowed by law in accordance with the availability of funds,
19 for their portions of the cost of providing educational services through such sources as basic state
20 aid, local district bill-back, and excess cost reimbursement, as well as other possible sources and
21 that a school district shall not be required to provide more total reimbursement to a treatment
22 facility than it receives from all such sources. The local school district shall make all needed
23 requests and applications for such reimbursement.

24 (4) Each treatment facility and school district shall furnish a signed copy of their
25 educational plan to the department of elementary and secondary education and to the department
26 of social services no later than June 1 of each year.

27 (5) If the treatment facility and the school district cannot reach an agreement on the
28 education plan under this subsection, the differences shall be resolved by an arbitration panel
29 made up of one representative from the department of elementary and secondary education, one

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1 representative from the children's division of the department of social services, and one person
2 appointed by the governor every three years, with the advice and consent of the senate, serving at
3 the pleasure of the governor. A final decision shall be made by August 15. Costs for the
4 arbitration panel shall be shared equally by the treatment facility and the school district." ; and

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6
7 Further amend said bill by amending the title, enacting clause, and intersectional references
8 accordingly.

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